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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/821,477	HASEGAWA, YUKA	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-8-04/10-18-04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 13 rejected under 35 U.S.C 102(e) as being anticipated by Sato et al. (US PAT: 6,515,695, filed 11-8-1999, hereinafter Sato).

Regarding claims 1 and 13, Sato discloses a videophone terminal for conducting a call with a communicating terminal by communicating voice and sound and an image, comprising: imaging means (15, fig. 1) for shooting an image, a microphone (21, fig. 1) for converting voice and sound into an electric signal, display means (14, fig. 1), for displaying a screen image, a communicating means (17, fig. 1) for communicating a call, a storage means (11, fig. 1) for beforehand storing telephone book table including a telephone number and a reply method with a relationship established there between, and a control means (10, fig. 1) for conducting control at reception of a call from a communicating terminal to convert an image and voice and sound to be sent from the videophone terminal to the communicating terminal into data according to a reply method related to a telephone number of the communicating terminal in the telephone

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book table stored in the storage means (col. 7, line 30 – col. 8, line 34; col. 10, line 1 – col. 11, line 26; col. 14, line 14 – col. 15, line 21; col. 16, line 50 – col. 17, line 47; figs. 1, 2, 4).

3. Claims 8-9, 20-21, are rejected under 35 U.S.C 102(b) as being anticipated by Nishimura (JP07-115633).

Regarding claim 8, Nishimura discloses a screen display setting method for use with a videophone terminal for conducting a call with a communicating terminal by communicating voice and sound and an image including imaging means for shooting a image, a microphone for converting voice and sound into an electric signal, display means for displaying a screen image, and a communicating means for communicating a call, the method comprising: a reply setting step of relating in a telephone book table a telephone number of a communicating terminal to a reply method at reception of a call according to an input from an input means, and a replay step of conducting control at a reception of a call from a communicating terminal to convert an image and voice and sound to be sent from the videophone terminal to the communicating terminal into data according to a reply method related to a telephone number of the communicating terminal in the telephone book table (Drawings: 1-8, paragraphs: 0006 – 0016).

Regarding claim 20, Nishimura discloses a screen display setting method for use with a videophone terminal for conducting a call with a communicating terminal by communicating voice and sound and an image including imaging means for shooting a image, a microphone for converting voice and sound into an electric signal, display means for displaying a screen image, and a communicating means for communicating a

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call, the method comprising: a reply setting step of relating, according to an input from an input means of one videophone terminal selected from the videophone terminals, a telephone number of a communicating terminal to a reply method at reception of a call in a telephone book table by the videophone terminal selected from the videophone terminals, and a reply step of conducting control by the videophone terminal at reception of a call from a communicating terminal to convert an image and voice and sound to be sent from the videophone terminal to the communicating terminal into data according to a reply method related to a telephone number of the communicating terminal in the telephone book table (Drawings: 1-8, paragraphs: 0006 – 0016).

Regarding claims 9 and 21, Nishimura further teaches the following: the telephone book table (Drawing: 3) relates a telephone number of a communicating terminal to a reply method of sending a reply as an answering telephone, and the control means, at reception of a call in a state in which the videophone terminal is set to reply as an answering telephone in advance, a search through the telephone book table and transmits, when the telephone number of the communicating terminal of the call is related to a replay method as an answering telephone, an image and voice and sound to the communicating terminal according to the reply method, an answering reply setting step of relating, according to an input means of one videophone terminal selected from the videophone terminals, in a telephone book table a telephone number of a communicating terminal to a reply method to send a reply as an answering telephone to the communicating terminal by the videophone terminal selected from the videophone terminals, and an answering reply step of conducting by the videophone terminal control

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at reception of a call from a communicating terminal in a state in which the videophone terminal is beforehand set to reply as an answering telephone, to convert an image and voice and sound to be sent from the videophone terminal to the communicating terminal into data according to a reply method as an answering telephone related to a telephone number of the communicating terminal in the telephone book table

(Drawings: 1-8, paragraphs: 0006 – 0016).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Nishimura (JP07-115633).

Sato differs from claims 2,14 in that he does not teach the following: telephone book table relates a telephone number of a communicating terminal to a replay method to send a reply as an answering telephone, the control means makes at reception of a call, when an answering reply mode to send a replay as an answering telephone is set in advance, a search through telephone book table and transmits, when the telephone number of the communicating party is related to a reply method as an answering telephone, an image and voice and sound to the communicating terminal according to reply method,

However, Nishimura discloses video telephone system which teaches the following: telephone book table relates a telephone number of a communicating terminal to a replay method to send a reply as an answering telephone, the control means makes at reception of a call, when an answering reply mode to send a replay as an answering telephone is set in advance, a search through telephone book table and transmits, when the telephone number of the communicating party is related to a reply method as an answering telephone, an image and voice and sound to the communicating terminal according to reply method (Drawings: 1-8, paragraphs: 0006 – 0011 and see effect of the invention).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Sato's system to provide for the following: telephone book table relates a telephone number of a communicating terminal to a replay method to send a reply as an answering telephone, the control means makes at reception of a call, when an answering reply mode to send a replay as an answering telephone is set in advance, a search through telephone book table and transmits, when the telephone number of the communicating party is related to a reply method as an answering telephone, an image and voice and sound to the communicating terminal according to replay method as this arrangement would provide means for sending a replay message that best matches the telephone number of the calling party as taught by Nishimura.

6. Claims 3-7 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Nishimura as applied to claims 1 and 13 above, and further in view of Saiki et al. (JP11-234641, hereinafter Saiki).

The combination differs from claims 3-4, 7 and 15-19 in that it does not teach the following: the reply method includes a reply using a substitute image expressing a feature of a movement in an image shot by the imaging device by movement of a character beforehand set, and the control means includes a substitute image display control section for converting the image shot by the imaging means into the substitute image, the reply using the substitute image includes a reply using voice and sound, the substitute image display control section converts voice and sound from microphone into voice and sound corresponding to substitute image, the replay method includes a reply using an image shot by the imaging means and reply using a still picture, the control means includes camera image display control means for displaying the image shot by the imaging means, and a still picture display control means for displaying a still picture using an image stored in the storage means.

However, Saiki discloses display device for image of video telephone set which teaches the following: the reply method includes a reply using a substitute image expressing a feature of a movement in an image shot by the imaging device by movement of a character beforehand set, and the control means includes a substitute image display control section for converting the image shot by the imaging means into the substitute image, the reply using the substitute image includes a reply using voice and sound, the substitute image display control section converts voice and sound from microphone into voice and sound corresponding to substitute image, the replay method includes a reply using an image shot by the imaging means and reply using a still picture, the control means includes camera image display control means for displaying

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the image shot by the imaging means, and a still picture display control means for displaying a still picture using an image stored in the storage means (Drawing 1, paragraphs: 0010 –0038 and 0057).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: the reply method includes a reply using a substitute image expressing a feature of a movement in an image shot by the imaging device by movement of a character beforehand set, and the control means includes a substitute image display control section for converting the image shot by the imaging means into the substitute image, the reply using the substitute image includes a reply using voice and sound, the substitute image display control section converts voice and sound from microphone into voice and sound corresponding to substitute image, the replay method includes a reply using an image shot by the imaging means and reply using a still picture, the control means includes camera image display control means for displaying the image shot by the imaging means, and a still picture display control means for displaying a still picture using an image stored in the storage means as this arrangement would facilitate to communicate with communication partners while keeping the privacy of the communication partners as taught by Saiki, thus providing a communication arrangement to suite the needs of the users.

Regarding claim 5, the combination teaches the following: the communicating means includes a function to establish a connection to a network; data is obtained for

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the character via the network from the communicating means and is stored in the storage means (col. 11 lines 20-67 of '695).

7. Claims 10-11, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura in view of Saiki.

Nishimura differs from claims 11-12 and 22-23 in that he does not teach the following: reply method includes a reply using a substitute image expressing a feature of the movement in image shot by the imaging device by movement of a character beforehand set, reply using the substitute image includes a reply using voice and sound corresponding to the substitute image.

Saiki teaches the following: reply method includes a reply using a substitute image expressing a feature of the movement in image shot by the imaging device by movement of a character beforehand set, reply using the substitute image includes a reply using voice and sound corresponding to the substitute image (Drawing 1, paragraphs: 0010 –0038 and 0057).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Nishimura to provide for the following: reply method includes a reply using a substitute image expressing a feature of the movement in image shot by the imaging device by movement of a character beforehand set, reply using the substitute image includes a reply using voice and sound corresponding to the substitute image as this arrangement would facilitate to communicate with communication partners while keeping the privacy of the communication partners as

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taught by Saiki, thus providing a communication arrangement to suite the needs of the users.

8. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura in view of Nakajima (JP2003032727A).

Nishimura differs from claims 12 and 24, he does not teach the following: communication means includes a function to establish connection to a network, the method further comprising a character obtaining step of obtaining data for character via the network from the communicating means and storing the data in storage means

However, Nakajima teaches the following: communication means includes a function to establish connection to a network, the method further comprising a character obtaining step of obtaining data for character via the network from the communicating means and storing the data in storage means (fig. 1, see abstract).


Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Nishimura to provide for the following: communication means includes a function to establish connection to a network, the method further comprising a character obtaining step of obtaining data for character via the network from the communicating means and storing the data in storage means as this arrangement would provide means to obtain required data from an external source as taught by Nakajima, thus facilitating the user to use the data for further processing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643